

ALLIA.171CPC1



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Schutt et al.) Group Art Unit 1615
Appl. No. : 09/218,213)
Filed : December 22, 1998)
For : STABILIZED PREPARATIONS)
FOR USE IN NEBULIZERS)
Examiner : Unknown)

REQUEST FOR CORRECTED FILING RECEIPT

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Applicants hereby request that the Official Filing Receipt, a copy of which is enclosed, be corrected to reflect the true "Continuing Data As Claimed By Applicant" as follows: -- continuation of PCT Application No. PCT/US98/20603, 09/29/98, which is a continuation-in-part of 09/133,848, 08/14/98--/

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 3-15-99

By: 

Ned A. Israelsen
Registration No. 29,655
Attorney of Record
620 Newport Center Drive
Sixteenth Floor
Newport Beach, CA 92660
(619) 235-8550

FILING RECEIPT

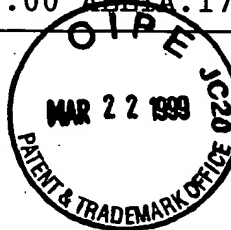
ALLIA.171CPC
NA
COPY



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

| APPLICATION NUMBER | FILING DATE | GRP ART UNIT | FIL FEE REC'D | ATTORNEY DOCKET NO. | DRWGS | TOT CL | IND CL |
|--------------------|-------------|--------------|---------------|---------------------|-------|--------|--------|
| 09/218,213 | 12/22/98 | 1615 | \$380.00 | ALLIA.171CPC | 4 | 1 | 1 |

020995
KNOBBE MARTENS OLSON & BEAR
620 NEWPORT CENTER DRIVE 16TH FLOOR
NEWPORT BEACH CA 92660



Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Application Processing Division's Customer Correction Branch within 10 days of receipt. Please provide a copy of the Filing Receipt with the changes noted thereon.

Applicant(s)

ERNEST G. SCHÜTT; THOMAS E. TARARA; LUIS A. DELLAMARY;
ALEXEY KABALNOV; JEFFRY WEERS.

CONTINUING DATA AS CLAIMED BY APPLICANT-

Continuation-PROVISIONAL APPLICATION NO. PCT/US98/20603 09/29/98
which is a CIP — ~~WHICH IS A CON OF~~ 09/133,848 08/14/98
WHICH IS A CIP OF 09/106,932 06/29/98
PROVISIONAL APPLICATION NO. 60/060,337 09/29/97

FOREIGN FILING LICENSE GRANTED 01/14/99

* SMALL ENTITY *

TITLE

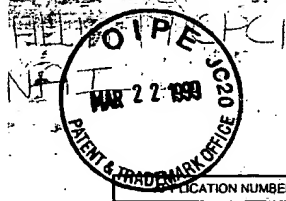
STABILIZED PREPARATIONS FOR USE IN NEBULIZERS

PRELIMINARY CLASS: 424

| | |
|---|-------------------|
| DOCKETED ON: | JAN 20 1999 |
| FILED BY: | Reg corrected F/B |
| FILED: | March 19, 1999 |
| FINAL DEADLINE: | March 19, 1999 |
| ATTORNEY VERIFICATION OF DUE DATE AND FINAL DEADLINE: | NA |

DATA ENTRY BY: LANCASTER, DAVID

TEAM: 02 DATE: 01/14/99



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

| | | | |
|--------------------|---------------------|-----------------------|---------------------------|
| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO./TITLE |
|--------------------|---------------------|-----------------------|---------------------------|

09/218,213 12/22/98 SCHMIDT E ALLIA-171CFC

020995 0227/0414
KNOBBE MARTENS OLSON & BEAR
620 NEWPORT CENTER DRIVE 16TH FLOOR
NEWPORT BEACH CA 92660

NOT ASSIGNED

1615

DATE MAILED:

01/14/99

NOTICE TO FILE MISSING PARTS OF APPLICATION
Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of \$65.00 for a small entity in compliance with 37 CFR 1.27, or \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a ☒ small entity (statement filed) ☐ non-small entity is \$ 65.00.

- ☐ 1. The statutory basic filing fee is:
- ☐ missing
 - ☐ insufficient
- Applicant must submit \$ _____ to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- ☐ 2. Additional claim fees of \$ _____, including any multiple dependent claim fees, are required:
- \$ _____ for _____ independent claims over 3.
 - \$ _____ for _____ dependent claims over 20.
 - \$ _____ for multiple dependent claim surcharge.
- Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

- ☒ 3. The oath or declaration:
- ☒ is missing or unexecuted.
 - ☐ does not cover the newly submitted items.
 - ☐ does not identify the application to which it applies.
 - ☐ does not include the city and state or foreign country of applicant's residence.
- An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

- ☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- ☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

- ☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).
- ☐ 7. Your filing receipt was mailed in error because your check was returned without payment.
- ☐ 8. The application does not comply with the Sequence Rules.
See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."
- ☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts"

A copy of this notice MUST be returned with the reply.

Customer Service Center
Initial Patent Examination Division (703) 308-1202

99 TL0011 0000006 0924213 65.00 00

BEST AVAILABLE COPY

Section 8



PATENT

Case Docket No. ALLIA.171CPC1
Date: March 15, 1999

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Schutt et al.
App. No. : 09/218,213
Filed : December 22, 1998
For : STABILIZED
PREPARATIONS FOR USE
IN NEBULIZERS

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on

March 15, 1999
(Date)
[Signature]
Ned A. Israelsen, Reg. No. 29.655

Group Art Unit : 1615

TRANSMITTAL LETTER

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

ATTENTION: BOX MISSING PARTS

Dear Sir:

In response to the Notice to File Missing Parts of Application Under 37 CFR 1.53(f), which was mailed by the Office on January 14, 1999, enclosed are:

- (X) An executed Declaration by Inventor(s).
- (X) A Power of Attorney Form and Copy of Assignment.
- (X) A verified statement to establish small entity status under 37 CFR 1.9 and 1.27.
- (X) A Notice to File Missing Parts.
- (X) Request to Correct Filing Receipt, with copy of original Filing Receipt marked in red.
- (X) Return prepaid postcard.
- (X) Fees as calculated below:

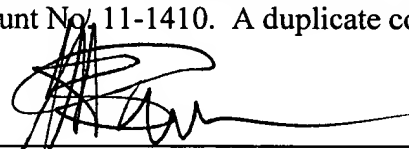
PATENT

Case Docket No. ALLIA.171CPC1

Date: March 15, 1999

| | |
|--|----------|
| FEE FOR EXTENSION OF TIME (LARGE ENTITY) | \$ 0 |
| SURCHARGE 37 CFR 1.16(e) | \$ + 130 |
| TOTAL OF ABOVE CALCULATIONS | \$ 130 |
| REDUCTION BY 1/2 FOR FILING BY SMALL ENTITY. | |
| Note 37 CFR 1.9, 1.27, 1.28. If applicable, verified statement must be attached. \$ - 65 | |
| TOTAL FEES SUBMITTED HERewith | \$ 65 |

- (X) A check in the amount of \$65 to cover the above fees is enclosed.
- (X) The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Account No. 11-1410. A duplicate copy of this sheet is enclosed.


Ned A. Israelsen
Registration No. 29.655
Attorney of Record